

REMARKS

Reconsideration of the rejections set forth in the Office Action is respectfully requested in view of the Amendments to the claims and the following arguments. By this Amendment, claims 1, 13-14, 20, and 32-33 have been amended. Currently, claims 1-40 are pending in this application.

Rejections under 35 USC 103

Claims 1-40 were rejected under 35 USC 103 over Ishwar (U.S. Patent Application Publication No. 2004/0078469), in view of Haddock (U.S. Patent Application Publication 2004/0081093). This rejection is respectfully traversed in view of the amendments to the claims and the following arguments.

This application relates to a way of interworking Frame Relay and Ethernet networks such that multiple Quality of Service (QoS) classes may be supported across the interworked network. Specifically, applicants proposed to provide one or more interworking units between the Ethernet and Frame Relay networks to enable multiple levels of quality of service to be provided to traffic that is required to span between the two networks. (Specification at paragraphs 37-50).

In a previous response dated December 21, 2007, applicants provided a several page explanation of the differences between what is disclosed and claimed in this application and what is shown by the combination of Ishwar and Haddock. Those remarks are incorporated herein by reference. For brevity, they will not be repeated.

In the Office Action the Examiner provided a helpful explanation of why the Examiner felt that the claims were not patentable over the combination of Ishwar and Haddock. (see Office Action dated April 17, 2008, at page 6-7). Specifically, the Examiner explained, starting on page 6 of the Office Action, that Ishwar discloses many techniques that can be used to map incoming traffic such as mapping incoming traffic to a VLAN ID. The Examiner further explained that Haddock discloses that a number of QoS queues may be provided at each port. (See Response to Arguments portion, page 6, of Office Action dated 4/17/2008). The Examiner continued on page 7 to explain that, since Ishwar discloses providing advanced services by networks that utilize later 2 technology, and Haddock discloses support for QoS in Ethernet networks, then the combined teachings of Ishwar and Haddock meet the scope of the previous claims.

However, the Examiner further stated that amendments to the claims could be provided that would possibly overcome the art of record. Specifically, the Examiner stated on page 7, lines 7-9 that the claims did not recite how quality of service may be implemented across frame relay and Ethernet network, but that amendment to the claims to do so would possibly overcome the art of record. Applicants are not willing to concede at this point that the Examiner's interpretation of Ishwar and Haddock are correct. However, in the interest of moving prosecution forward, applicants have amended the claims as suggested by the Examiner to put the claims into allowable form. Accordingly, in view of the amendments to the claims, applicants respectfully request that the rejection under 35 USC 103 over Ishwar and Haddock be withdrawn.

If the Examiner feels that additional claim limitations should be added to the claims to place the claims into allowable form, the Examiner is invited to contact the undersigned to discuss the claim amendments.

Conclusion

Applicants are interested in moving prosecution forward, and would be very interested to talk with the Examiner about what applicants perceive as the novel invention, the cited art, and how applicants believe the claims recite the novel and unobvious aspects of this invention. Accordingly, applicants invite the Examiner to contact the undersigned at any time during the course of the prosecution to discuss this case. In particular, applicants would be happy to discuss this case with the Examiner to hopefully find patentable subject matter if the Examiner feels that a subsequent rejection of the claims continues to be warranted. Likewise, if there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Extension of Time

Applicants request a two month extension of time to respond to the outstanding Office Action. Payment of the two month extension of time fee is being submitted herewith. If any additional fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref: NN-16201).

Respectfully Submitted

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